

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ZACKERY CRABTREE,

Case No. 3:19-cv-00479-LRH-CLB

Petitioner,

v.

ORDER

WILLIAM GITTERE, et al.,

Respondents.

On March 1, 2021, the court entered an order finding that petitioner Crabtree's amended petition for writ of habeas corpus (ECF No. 33) contains unexhausted claims and gave Crabtree the option of either abandoning the claims or moving for stay and abeyance to allow him to exhaust the claims in the Nevada courts. ECF No. 49. Crabtree filed a motion for stay and abeyance. ECF No. 50. In response, respondents filed a notice of their non-opposition to the motion. ECF No. 52.

This court has the discretion to stay federal habeas proceedings and hold them in abeyance while a petitioner pursues state court exhaustion. *See Rhines v. Weber*, 544 U.S. 269 (2005). It also has the inherent power to control its docket and the disposition of its cases with economy of time and effort for both the court and the parties. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir.1992). Under the circumstances present here, the court will exercise its discretion to grant a stay.

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1 IT IS THEREFORE ORDERED that petitioner's motion for stay and abeyance
2 (ECF No. 50) is GRANTED. This action is stayed pending exhaustion of petitioner's
3 unexhausted claims.

4 IT IS FURTHER ORDERED that the grant of a stay is conditioned upon petitioner
5 returning to this court with a motion to reopen within 45 days of issuance of the remittitur
6 by the Nevada Supreme Court at the conclusion of the state court proceedings.

7 IT IS FURTHER ORDERED that the Clerk shall administratively close this case
8 until such time as the court grants a motion to reopen the matter.

9 DATED this 8th day of April, 2021.

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12 LARRY R. HICKS
13 UNITED STATES DISTRICT JUDGE
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